

Amendment No. 1 to HB0039

**Garrett
Signature of Sponsor**

AMEND Senate Bill No. 69

House Bill No. 39*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 4, is amended by adding the following language as a new, appropriately designated section:

Section 68-221-4____. Notwithstanding any provision of the law to the contrary, no county government official may require homeowner or the department to conduct any excavation of a pre-existing subsurface sewage disposal system prior to issuing any county permit or license for rebuilding, remodeling, or otherwise altering any house or establishment, mobile or permanent, utilizing such system; provided that:

(1) If the county permit is issued, the altered house or establishment utilizing the pre-existing subsurface sewage disposal system will be owned by the same owner or:

(A) An ancestor of such owner;

(B) The spouse or former spouse of such owner;

(C) A lineal descendent of such owner, of such owner's spouse or former spouse, or of a parent of such owner; or

(D) The spouse of any lineal descendent of such owner described in item (1)(C) of this section;

who utilized the subsurface sewage disposal system prior to rebuilding, remodeling or otherwise altering such house or establishment;

(2) The owner, or person described in item (1)(A)-(D) of this section, has no actual knowledge of any defect with the subsurface sewage disposal system or any failure of such system;

(3) The pre-existing subsurface sewage disposal system is not constructed, altered, extended or repaired in any manner other than being connected to the rebuilt, remodeled or otherwise altered house or establishment;

(4) The rebuilding, remodeling, or other alteration of the house or establishment is not in connection with a sale of the property; and

(5) The property owner who applied and obtained the permit or license signs a sworn statement certifying compliance with this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.